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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHERRY RENEE KINCADE,

Defendant.

CASE NO. 1:22-CR-00001-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: March 22, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on March 22, 2023.
2. By this stipulation, defendant now moves to continue the status conference until May 24, 2023, and to exclude time between March 22, 2023, and May 24, 2023, under 18 U.S.C. § 3161(h)(1)(E) and (7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) This matter concerns an out-of-district indictment from the Eastern District of Virginia. The parties agreed to and have completed a Rule 20 transfer of this matter from the Eastern District of Virginia to the Eastern District of California. Doc. 17.
 - b) The parties are in ongoing plea negotiations and anticipate that this matter will be

resolved via a plea agreement. If it does not resolve via plea, the case will be transferred back to the original charging district pursuant to Fed. R. Crim. P. 20(c).

c) Counsel for the defendant desires additional time to consult with her client, review the current charges, and to discuss a potential plea agreement in this matter.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 22, 2023 to May 24, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(E) and (7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 13, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JESSICA A. MASSEY
JESSICA A. MASSEY
Assistant United States Attorney

Dated: March 13, 2023

/s/ MEGHAN MCLOUGHLIN
MEGHAN MCLOUGHLIN
Counsel for Defendant
SHERRY RENEE KINCADE

ORDER

IT IS SO ORDERED that the status conference is continued from March 22, 2023, to **May 24, 2023 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). **This case has been pending for nearly two years. At the next status conference, the parties shall appear and explain why this matter should not be referred back to the charging district, the Eastern District of Virginia. Alternatively, the parties may stipulate to a date for a change of plea, with an appropriate exclusion of time.**

IT IS SO ORDERED.

Dated: **March 14, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE